

COMMONWEALTH OF VIRGINIA
BOARD OF CORRECTIONS

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| Regular Meeting | November 13, 2013 |
| Location | 6900 Atmore Drive Richmond, Virginia |
| Presiding..... | Peter G. Decker, III, Chairman |
| Present..... | Felipe Q. Cabacoy Ann Gardner William E. Osborne Reverend Anthony C. Paige Carl R. Peed Cortland C. Putbrese |
| Absent | Kurt A. Boshart Linda D. Curtis |

1:00 p.m., Wednesday, November 13, 2013
6900 Atmore Drive, Richmond, Virginia 23225

The meeting was called to order. The Chairman asked attendees in the room to introduce themselves. Roll call was taken by Mrs. Woodhouse. Two members were absent as indicated above.

I. Board Chairman (Mr. Decker)

1) Board Motion to Approve September Board Minutes

The Chairman called for a Motion to approve the September Board Minutes.

By **MOTION** duly made and seconded, the September Board Minutes were **APPROVED** as presented by verbally responding in the affirmative (Cabacoy, Gardner, Osborne, Paige, Putbrese, Peed). Mrs. Curtis and Mr. Boshart were absent.

There were no opposing votes. The Chairman voted his approval of the Motion. The Motion carried.

2) Board Motion to Approve Meeting Dates for 2014

Mr. Osborne indicated that the 2014 dates had been presented to Liaison Committee members, which they supported.

By **MOTION** duly made and seconded, the 2014 Board Meeting dates were **APPROVED** as presented by verbally responding in the affirmative (Cabacoy, Gardner, Osborne, Paige, Putbrese, Peed). Mrs. Curtis and Mr. Boshart were absent. Those dates are as follows: **March 19, May 21, July 16, August 20, September 17 and November 19, 2014.**

There were no opposing votes. The Chairman voted his approval of the Motion. The Motion carried.

It was noted that if a conflict occurs with a scheduled meeting, it can always be changed by a unanimous vote of the Board.

II. Public Comment

No members of the general public were present at this time.

III. Liaison Committee (Mr. Osborne)

Ms. deSocio noted the Governor's budget will be out in mid-December and that a summary will be sent of what is being introduced. As a result of the conversion to the new LIDS/CORIS system, the second quarter per diem payment, usually paid in October, has not yet happened. She noted that the new LIDS/CORIS system is still experiencing difficulties but that vendor resources have been reshuffled in order to address issues.

Mr. Osborne reported the out-of-compliance number at 4,981 as of November 12. He noted that River North Correctional Center has opened with 254 beds currently filled and that 260 reception beds will be opening in January.

There was a discussion related to implementation of the Federal PREA Standards. Mr. Osborne noted the recommendation that the Board create a committee to address the audit function of the new PREA Standards and to come up with suggestions as to how best implement and audit the standards for the jails; ensuring compliance without expending large sums of money. The Chairman suggested that Mr. Wilson work with Liaison Committee Chairman David Simons to assemble a work group to address this because anything that can be done to minimize the impact on local jails is important.

There were no questions or comments. The Chairman thanked Mr. Osborne for his report. No Board action was required.

IV. Administration Committee Report

No Administration Committee meeting was held.

V. Correctional Services Committee Report/Policy & Regulations (Mr. Decker)

3. Policy & Regulations

Board Motion to Approve Language to Move to the Final Stage of the Regulatory Process to Add Regulations Controlling Restraint of Pregnant Offenders to 6VAC15-40, Minimum Standards for Jails and Lockups, in Accordance with the Virginia Administrative Process Act

Former Board Member Jonathan Blank appeared to speak to the advancement of this proposed regulation to the final stage in the regulatory process. He headed up the working committee, which consisted of Department of Corrections and jail representatives as well as representatives from several advocacy groups. The committee had expended a lot of time and energy coming to terms with the language that is currently moving through the process. He noted the very strong evidence of the importance of policy development crossing jurisdictional lines and stated how he had labored with the document ensuring that every "I" was dotted and "T" was crossed before it was submitted to and approved by the Board. He closed by congratulating all involved for a job well done.

Advocacy group members were expected to attend the Board meeting but had not appeared to speak by the time of the vote. Therefore,

By **MOTION** duly made and seconded, the Board moves to initiate the Final Stage of the regulatory process to add regulations controlling restraint of pregnant offenders to 6VAC15-40, Minimum Standards for Jails and Lockups, in accordance with the Virginia Administrative Process Act.

The motion was **APPROVED** as presented by verbally responding in the affirmative (Cabacoy, Gardner, Osborne, Paige, Putbresi, Peed). Mrs. Curtis and Mr. Boshart were absent.

There were no opposing votes. The Chairman voted his approval of the Motion. The Motion carried.

1. **Compliance and Accreditation - Certifications Section:**
State/Local/Regional/Community Facilities

Mr. Decker offered the following Committee recommendations for Board approval:

- b-c) Unconditional Certification as a result of 100% compliance for Virginia Beach Correctional Center and Peumansend Creek Regional Jail; and,**
- a, d-f) Unconditional Certification for Fairfax Adult Detention Center, Blue Ridge Regional Jail – Lynchburg Adult Detention Center, Southwest Virginia Regional Jail – Tazewell and Bath County Lockup; and,**
- h) Probationary Certification for Stellar Residential Services as a result of the finding of non-compliance with Standard 6VAC15-70-50F and that the facility be instructed to have the independent financial audit completed and results provided to the Compliance and Accreditation Unit no later than March 1, 2014.**

By **MOTION** duly made by Mr. Decker and seconded by Mr. Peed, the Board **APPROVED** the above recommendations by verbally responding in the affirmative (Cabacoy, Gardner, Osborne, Paige, Peed, Putbrese).

There were no questions and there was no discussion. There were no opposing votes. Mrs. Curtis and Mr. Boshart were absent. The Chairman voted his approval of the Motion. The Motion carried.

g) **Board Motion to Grant Appeal on Standard 6VAC15-40-950 and Deny Appeal on Standard 6VAC15-40-1080 for the Rockingham/Harrisonburg Regional Jail**

Captain Shortell and Lt. Wimer attended the Committee meeting to explain the reasoning behind their appeals to the findings of non-compliance for the above-mentioned Standards. The explanation provided regarding Standard 6VAC15-40-950 (Master Chemical Inventory) was deemed reasonable, and the recommendation was made to approve this appeal.

The explanation for the finding of non-compliance with Standard 6VAC15-40-1080 (Fire Evacuation Plan) was good but was not supported by the Committee, and the recommendation was made to not approve this appeal. Therefore,

By **MOTION** duly made by Mr. Decker and seconded by Mr. Peed, the Board **GRANTS THE APPEAL** on Standard 6VAC15-40-950 for Rockingham/Harrisonburg Regional Jail by verbally responding in the affirmative (Cabacoy, Gardner, Osborne, Paige, Peed, Putbrese).

And, by **MOTION** duly made by Mr. Decker and seconded by Mr. Peed, the Board **DENIES THE APPEAL** on Standard 6VAC15-40-1080 for Rockingham/Harrisonburg Regional Jail by verbally responding in the affirmative (Cabacoy, Gardner, Osborne, Paige, Peed, Putbrese).

A letter will be written to the facility Administrator stating that a corrective Plan of Action is to be submitted to the Compliance and Accreditation Unit to correct Standard 6VAC15-40-1080.

There were no questions and there was no discussion. There were no opposing votes. Mrs. Curtis and Mr. Boshart were absent. The Chairman voted his approval of the Motion. The Motion carried.

2. **Local Facilities Section – Staffing/Funding and Unannounced Inspections: Local/Regional/Community Facilities**

a) **Board Motion to Approve Suspension of 2013 Unannounced Inspections**

Section 53.1-68 of the Code of Virginia authorizes the Board of Corrections to grant suspensions of annual Life, Health and Safety Inspections if full compliance

with Standards is attained during the jail's Triennial Certification Audit. Two jails and one lockup have achieved 100% compliance with Board Standards. They are as follows:

Virginia Beach City Jail, Peumansend Creek Regional Jail and Surry County Lockup. Therefore,

By *MOTION* duly made by Mr. Decker and seconded by Mr. Osborne, the Board *APPROVED* the request to grant suspensions of annual Life, Health and Safety Inspections for Virginia Beach City Jail, Peumansend Creek Regional Jail and Surry County Lockup by verbally responding in the affirmative (Cabacoy, Gardner, Osborne, Paige, Peed, Putbrese).

There were no questions and there was no discussion. There were no opposing votes. Mrs. Curtis and Mr. Boshart were absent. The Chairman voted his approval of the Motion. The Motion carried.

b) Board Motion to Approve Suspension of 2014 Triennial Audits

The Rappahannock County Jail is scheduled to have its Triennial Audit in March of 2014. The Warren County Jail is scheduled for its Triennial Audit in May, and the RSW Regional Jail, currently under construction, is scheduled to open in July.

With the opening of RSW, the Rappahannock and Warren County Jails are scheduled to close. It is therefore recommended that the Board waive the Triennial Audits for the Rappahannock and Warren County Jails and that staff conduct an unannounced inspection of these jails in lieu of the audits. If, for some reason, the RSW Regional Jail does not open in July, staff will conduct the Triennial Audit prior to the conclusion of 2014.

This request was deemed reasonable; therefore,

By *MOTION* duly made by Mr. Decker and seconded by Mr. Cabacoy, the Board *APPROVED* the request to waive the Triennial Audits for the Rappahannock and Warren County Jails due to the anticipated opening of RSW Regional Jail in July of 2014 by verbally responding in the affirmative (Cabacoy, Gardner, Osborne, Paige, Peed, Putbrese).

There were no questions and there was no discussion. There were no opposing votes. Mrs. Curtis and Mr. Boshart were absent. The Chairman voted his approval of the Motion. The Motion carried.

VI. Closed Session

No Closed Session was held.

VII. Other Business (Mr. Clarke)

The Director addressed the Board. He noted that budget challenges continue with the Department operating at a deficit of \$32 million. The Department's deficits are not funded. The Department is keeping a vacancy rate of 3.3%.

He again told the Board that the Department received the Star Award from the Southern Legislative Conference for its Step-Down program at Wallens Ridge and Red Onion and that several states are looking at Virginia's program. Recently, a film crew from New York was doing interviews with staff as well as filming at those facilities and at Headquarters. They are producing a Step-Down program documentary.

He gave a brief synopsis of a recent incident at Powhatan, which is still under investigation. He noted that Secretary Rhode had recently toured Red Onion, Wallens Ridge and River North. After some other general comments by the Director and questions from the Board, the Director's comments were concluded.

VIII. Public Comment

At this time, three advocacy group members were welcomed and identified themselves for the record. They were present to address the Board regarding the pregnant inmate restraints regulation that is currently advancing through the regulatory process. The Chairman advised the ladies that the Motion to move the regulation to the final stage in the regulatory process had already been approved by the Board but offered an opportunity for comments.

Ms. Aisha Huertas Michel with the ACLU of Virginia addressed the Board on behalf of the others and noted her appreciation for the support and hard work expended on the new regulation. She introduced Tara Weber and Robin Gann, who joined her today in support of the movement of the new language to the next step in the process.

IX. Board Member Comment (Mr. Decker)

Board members made general comments regarding Mrs. Woodhouse and her impending retirement. Mrs. Woodhouse thanked the members for their kind words. Reverend Paige noted that Mr. Cabacoy is heavily involved with aid efforts for the Philippines.

X. Future Meeting Plans (provided for informational purposes)

The March 14, 2014, meetings are scheduled as follows:

Liaison Committee – 9:30 a.m., Board Room, 6900 Atmore Drive, Richmond, Virginia;
Correctional Services/Policy & Regulations Committee – 10:30 a.m., Board Room, 6900 Atmore Drive, Richmond, Virginia;
Board Meeting – 1:30 p.m., Board Room, 6900 Atmore Drive, Richmond, Virginia.

XI. Adjournment

There being nothing further, by **MOTION** duly made by Mr. Osborne, seconded by Rev. Paige and **APPROVED** by verbally responding in the affirmative (Cabacoy, Gardner, Osborne, Paige, Peed, Putbrese), the meeting was adjourned.

There were no questions and there was no further discussion. There were no opposing votes. Mrs. Curtis and Mr. Boshart were absent. The Chairman then voted his approval of the Motion. The Motion carried.

(Signature copy on file)

PETER G. DECKER, III, CHAIRMAN

LINDA D. CURTIS, SECRETARY